4COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal[1]

Docket No. 09-720
Appellant(s): Hossein Ghamary vz. Appellee(s):City of North Andover
Gerald Brown

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 6th Edition 780 CMR 118 for 58 Glenwood Street, North Andover, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.;* and 780 CMR 122.3.4, the Board convened a public hearing on March 5, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The appellant, Gerald Brown, and others appeared for the hearing, as shown on the sign in sheet on file with the Department of Public Safety.

Discussion

A motion was made to deny the Appellant's request for a variance from 6th Edition 780 CMR 118, and uphold the building inspector's order to comply with 3107.7 concerning the protection of the mechanical and electrical systems with respect to the base flood elevation of the area. There was a second on the motion and a board vote was taken which was unanimous.

Conclusion

The Appellant's request for a variance from 6th Edition 780 CMR 118, is hereby dismissed and so ordered[2] **on this date: March 5, 2009.**

Jacob Nunnemacher Douglas Semple Stanley Shuman

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[1] This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

[2] In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.